

Auburn Police Local 195

NO CONFIDENCE

Vote held Tuesday December 22, 2015

Results:

61 of 63 eligible members votes (97%)

**One probationary member excluded who is currently deployed overseas for 14 months*

92% voted NO CONFIDENCE in Police Chief Neagle

8% voted they had CONFIDENCE in Police Chief Neagle

Members of the Auburn Police Department take pride in their work, and the service we provide to our community. The fact that this vote took place will in no way diminish the quality of service our members provide to this community. The following pages contain the information that each member had the opportunity to review prior to casting their vote. The results of this vote reflect that the overwhelming majority of our members believe Chief Neagle is incapable of honestly and effectively running the Auburn Police Department.

Respectfully,

Joe Villano

Joe Villano
President

Chris Major

Chris Major
Vice President

John Breeze

John Breeze
Secretary

Mike Roden

Mike Roden
Treasurer

The Local 195 Executive Board, along with its membership would like to disclose the following results of a "vote of no confidence" that was conducted on Tuesday December 22, 2015 at 75 North Street in the City of Auburn. The vote was held to elucidate and firmly establish our position that Brian Neagle is no longer respected in his role as Police Chief, and his inability to lead has rendered him ineffective. The vote was held over a (5) hour period at which time each member was given the opportunity to review this affidavit and submit their vote by secret ballot. The attached results were tallied and sealed until January 4, 2016.

The basis of this vote is our contention that Chief Neagle has created a poor and hostile work environment through his lack of leadership, his inability to make reasonable decisions, his failure to communicate adequately, his deceptive nature, his vindictive personality and his unwillingness to support his staff and subordinates. The decision to proceed with this vote was made after several failed attempts to correct these issues by other means, without taking this measure. Meetings with the City Manager, Mr. Selby, rendered limited or no results. Our communication with Mr. Selby included face to face meetings as well as email and written letter correspondence. Mr. Selby always made himself available to speak with us, and he was always willing to listen to our concerns. However, when it became clear that our situation wasn't improving, we began to question whether or not he considered our concerns legitimate and credible.

The decision to proceed with this vote is in no way fueled by any agenda, plan, or deployment of personal attack. This vote was conducted based upon the accumulation of situations, occurrences, circumstances and substantiated conclusions that are documented in the pages that follow.

As a result of Chief Neagle's actions (or in some cases inactions), our Department has suffered a drastically diminished level of morale and our members are forced to work under conditions that could potentially compromise the quality of service that we are entrusted to provide. It is our belief that Chief Neagle has intentionally created a work environment that he controls through generating and maintaining a fear of discipline and/or retaliation among his subordinates. This underlying fear of discipline erodes the ability of our patrolman to work confidently, which negatively and dangerously effects officer safety.

Mayor Quill, Mr. Selby, Councilor McCormick, Councilor Cuddy, Councilor Carabaja, Councilor Giannettino, Citizens of Auburn and Our Membership, we implore you to consider the substance of this affidavit and to act in the only foreseeable manner in which these issues can truly be resolved. We hereby request/demand the removal of Chief Neagle from Office.

*Recently, Auburn Police Local 195 learned of circumstances regarding the promotion of a Lieutenant, hereby referred to as "LT.A." During LT.A.'s probationary period Chief Neagle made the decision that he no longer wanted LT.A. as a Lieutenant/Shift Commander. Chief Neagle directed a Captain to initiate a disciplinary file against LT.A. in order to ensure that he did not complete his (promotional) probationary period successfully. This plan to discredit, defile and sully the reputation of a good standing member of Local 195 was made for unknown reasons not related to LT.A.'s job performance. As a Union, we will not tolerate this type of targeting. Mr. Selby has been provided with first hand testimony that supports this claim. Based upon this incident alone, we request that Chief Neagle is suspended immediately pending an investigation from an outside counsel.

*In reference to a previous grievance, Chief Neagle lied about a decision he made to honor the vacation request of a member. Chief Neagle agreed to grant this member vacation time, and then denied the request when it was submitted. Local 195 presented this case to Mr. Selby and during a resolution hearing provided him with first hand testimony from two well respected and long standing members of our Department. Although Mr. Selby declined to consider Chief Neagle's denial a "lie," Local 195 disagrees and considers Chief Neagle's actions deceptive.

*In reference to a previous grievance, Chief Neagle lied about the reassignment of a member in a "special duty" position. Mr. Selby heard first hand testimony at a resolution hearing and would not acknowledge that Chief Neagle lied about statements he previously made. Local 195 disagrees, and considers Chief Neagle's actions deceptive and improper.

*Chief Neagle regularly deflects responsibility which exhibits his lack of leadership. During a recent internal disciplinary investigation, Chief Neagle cited another member's investigation (of the incident being investigated) as the basis for his disciplinary recommendation to Mr. Selby. Citing another member's investigation is a deflection of his responsibility and was a deceptive measure as Chief Neagle's recommendation contradicted the actual recommendation from the other investigating member. In simpler terms, Chief Neagle sought the termination of an employee. In his termination request to Mr. Selby he wrote that his decision was based upon the recommendation of another member that he assigned to investigate the matter. In reality, the member he assigned to do this investigation in fact only recommended a suspension. This practice of "blaming" only creates poor working relationships among administrative staff, diminishes departmental morale and compromises trust. Written proof of these events can be provided to Mr. Selby upon request.

*Chief Neagle disregarded the recommendations of his staff (that he) assigned to conduct the background investigations and candidate interviews of prospective employees, and instead hired against their determinations. The employee that Chief Neagle hired subsequently resigned before successfully completing (the) field training portion of (the) probationary term. This included a field training period that already extended beyond the standard term. As a result, Chief Neagle distributed a memo in which he sought potential candidates with an interest in becoming certified as new Field Training Officers (FTO). It is evident that Chief Neagle is holding our current Field Training Officer's responsible for the untimely resignation of this employee. Our current staff of Field Training Officers are extremely competent and have never been accused of misrepresenting the progress (or lack thereof) of a

probationary employee. In addition, Chief Neagle has moved to eliminate training sessions conducted by certified, competent, and respected trainers from our membership. These Officers have no disciplinary history related to their training abilities. These trainers in question did however evaluate the progress of the employee that resigned. This demonstrates Chief Neagle's vindictive nature and contributes to the erosion of morale at our Department. Chief Neagle not only failed to value the background investigations of his administrative staff, he also demonstrated his inability to make good decisions by hiring for personal reasons.

*Chief Neagle has authorized officer safety training sessions that were not made available to all members. Local 195 would like to express its opposition to the practice of selective training. Selective training not only compromises the safety of the officers that weren't given the opportunity to participate, it also creates potential liability for the City. We do not feel that overtime costs or scheduling conflicts should influence training equity. This demonstrates Chief Neagle's unwillingness to support his staff equally, and his inability to make reasonable decisions. This also attacks the overall morale of the Department, leaving some members to wonder why they didn't have the opportunity to get the training that other members received.

*From the onset of this Executive Board's tenure in May of this year, Chief Neagle has consistently provided false information in regards to when and how the Union has a right to interact in Departmental issues. Chief Neagle has tried to keep Executive Board members out of pertinent employee interviews, and has ordered them to remain silent at others. Chief Neagle has also threatened the Local 195 Executive Board with disciplinary actions for submitting grievances improperly. This demonstrates Chief Neagle's failure to communicate honestly and his tendency to "bully" members into forfeiting their rights.

*Chief Neagle negotiated an off-duty union job into a part time employment opportunity for himself. For an extended period of time, any Local 195 member could sign up to work a weekly three hour security detail at the East Hill Medical Center. The job rate was \$25.00/hr. and was assigned to members wishing to work on a rotational basis. This job was available to any union member that wanted or needed to earn extra money. At some point after Chief Neagle was promoted, East Hill abruptly discontinued the security job. It was later discovered that Chief Neagle secretly negotiated this security detail into a position for himself. Local 195 and its members view this as deceptive and as an irreparable breach of trust. This is clearly a display of deceit and demonstrates a strong lack of leadership. As a result, Chief Neagle lost a significant amount of respect throughout our membership. Mr. Selby was made aware of our concerns in relation to this situation and the potential damaging effects.

*In reference to the East Hill Medical Center security detail, Chief Neagle would regularly drive his City owned vehicle to and from this job. This security detail is unrelated to any City business and is considered "off-duty employment." The infraction itself does not seem substantial, however Chief Neagle has levied discipline against other members for similar minor infractions related to city vehicle usage. We feel that this is a failure of Chief Neagle to lead by example. See attached.

#1, #1A

*In reference to (2) recent disciplinary actions, Chief Neagle used non-specific, and general terms to describe the alleged infractions. In the official disciplinary paperwork signed by Chief Neagle, several policies were cited but no specific violations were provided. Requests were made, in writing, to Chief Neagle for written explanations of the charges so that Local 195 could assemble an informed response. These requests were ignored and no further explanations were provided. This is an egregious attempt to hinder our ability to adequately and fairly defend against these charges. The only paperwork that we were provided with is insufficient on its face and is a violation of any type of due process. Mr. Selby was made aware of our concerns in relation to this matter. See attached examples. #2, #3

*In reference to the potential construction of a new public safety building, our membership has been left out of the creative process. Several months ago, two members were nominated to be on the "building committee." These (2) members attended an initial meeting in Chief Neagle's office. Participants in this meeting included an architect, a design consultant, Christina Selvek and Chief Neagle. At the conclusion of this meeting we were advised that there would be more meetings to follow and that we would be given advance notice of when and where they would take place. It was suggested that we solicit ideas from the membership to provide to the committee at future meetings. This was the last time that any member of our Department was invited to any event related to this project. After several months passed, we learned that (following several meetings) an actual blueprint for the project had been designed. As a result, the Executive Board brought the issue to Mr. Selby's attention. Two days after speaking with Mr. Selby, a member was asked by Chief Neagle to attend a building meeting. We would like to express our concern over the fact that we were not given an opportunity to be involved in this process. We feel that this is representative of Chief Neagle's inability to lead, and displays his unwillingness to communicate with other Department members.

*Our current office has been in need of cosmetic updates and structural repairs for years. Members have been unable to access the building through the employee entrance because the door knob is broken. Despite requests to have the door knob replaced or repaired, it remains non-functioning. This entrance is used for our members to make entry into the building prior to being in uniform, and often times prior to being armed. It is our opinion that this is an unnecessary safety risk when the issue can be remedied by simply repairing a door knob. Routine maintenance should provide for this type of update. Our office is also in need of cosmetic repairs. The cabinet doors and drawer faces have been missing for years. The floor needs to be replaced and holes in the walls are covered with plywood. We are aware of budgetary restrictions, but we feel that it should be relatively inexpensive to replace a cabinet door when the old one breaks. The public has a clear view of this disrepair, and it creates an unprofessional and embarrassing setting to conduct our business in on a daily basis. These areas are routinely used to interview sensitive crime victims and children. We feel that this represents a general disregard by Chief Neagle of the conditions under which we work. #4, #5, #6

*Chief Neagle's reluctance to utilize available monetary resources to re-activate the Emergency Response Team is suspicious to the membership and in our opinion neglectful. It has been determined through the Department of Justice that the funds WE have available in federal drug seizure accounts CAN be used to buy the equipment necessary to re-activate the Emergency Response Team. Chief

Neagle has cited "budgetary conflicts" as his rationale for not using this money to replace our outdated/expired equipment. Despite Freedom of Information requests, Chief Neagle has also refused to disclose the spending records associated with these accounts. We do not support his resistance to transparency when it comes to releasing this information. As a membership we choose to disassociate ourselves from these decisions as it does not accurately represent our views and opinions.

*As documented by several newspaper articles in 1996, Chief Neagle was accused of using racially disrespectful language in pre-shift lineup meetings. As a membership we choose to disassociate ourselves from this behavior as it does not accurately represent our views and opinions. This behavior is also contrary to the values, missions, and goals of our Department. See attached. #7, #8

*At the end of October (2015) one of our members became ill. The nature of the illness required the participation in a prolonged treatment program followed by several months of recovery time. As a result, the Executive Board made a request to Chief Neagle to return our stricken member to the 4/2 patrolman schedule. In doing so, this would save our member the expense of 17 sick days per calendar year while he was receiving treatment. As granted in our collective bargaining agreement, the only schedule a Patrolman should work is a 4/2 schedule. Our member had voluntarily accepted a 5/2 schedule as a special assignment. Chief Neagle ignored our first request, and a second request was made. After Chief Neagle said "NO" to our second request, the Executive Board was forced to seek intervention from Mr. Selby. Eventually the appropriate scheduling change was made. It is our opinion that Chief Neagle displayed a blatant failure to support his staff and again demonstrated his inability to make a sound and reasonable decision.

*It has been the goal of this Executive Board to establish an MOU related to the duties and responsibilities of our Student Resource Officer's and their earned compensation. This Executive Board has repeatedly stressed the importance of implementing an MOU to avoid future confusion and to limit potential grievances. An MOU was drafted by Local 195 and submitted to Mr. Selby for his review/revision. Mr. Selby's revised version of the MOU was given to Chief Neagle for Local 195 to consider. Chief Neagle never communicated to Local 195 that he had received Mr. Selby's revised MOU. It was only after inquiring with Mr. Selby that we learned his revised proposal had been forwarded to Chief Neagle weeks prior. This lack of communication is not conducive to an efficient relationship between labor and management. We feel that Chief Neagle does not place any importance in maintaining an open line of communication with the Local 195 Executive Board. We would further like to highlight the pattern substantiated by this entry and other entries in this affidavit that clearly illustrate how Chief Neagle deflects and delays important decisions until Local 195 requests intervention from the City Manager's Office.

*Chief Neagle would order other members to spy on conversations between civilian employees and Patrol Command Staff. We feel that this is improper, and unprofessional.

*Chief Neagle has shown a disinterest in publicly representing our Department as evidenced by his failure to attend various community based events. Chief Neagle did not attend the Heroin Awareness March, the Take Back the Night rally, or the 911 Memorial Ceremony. These events were

attended by several local department heads which made Chief Neagle's absence even more obvious. Chief Neagle also declined Mr. Selby's offer to participate in a local cancer rally at Hoopes Park this summer. The event was organized by celebrities with a local connection, and included representation from other city agencies. The event also garnered participation from surrounding law enforcement agencies. We feel that Chief Neagle's lack of connection to the community misrepresents how we feel as a Department.

*In mid 2014 Chief Neagle began making inquiries with the Civil Service Commission as to how he could go about nullifying the current promotional lists for Captain, Lieutenant, and Sergeant. Chief Neagle wanted new lists, despite the fact that the current ones were valid until 01-03-2017. This request by Chief Neagle was ultimately granted, and new lists were ordered. The rationale used to disqualify the old lists was that a previous canvas of these lists had returned several responses of "not interested at this time." The volume of people who expressed that they were not interested "at this time," led a majority of the Commission to believe that this meant those people were "MORE THAN LIKELY" never going to be interested. This attacks the absolute essence of competitive promoting, and is in our opinion a disgrace. Chief Neagle was successful in circumventing the Civil Service competitive process (and rules), and in our opinion was empowered to exercise favoritism. As documented in the attached official Civil Service meeting minutes, the same people that were on the original list were eligible to take the Sergeant retest. The only thing that could have potentially changed is the order and "reachability" of those interested in the position. This deters people from even bothering to take promotional tests knowing that the lists can be replaced if the Chief isn't satisfied with the order of finishers. Chief Neagle made the demand to the Civil Service Commission that "it would be a disservice of the Commission not to give a new exam." It is our opinion that ordering a new exam was a disservice to every member of our Department. Not (1) Sergeant took the most recent Lieutenants test. We believe that statistic speaks for itself.

#9-13